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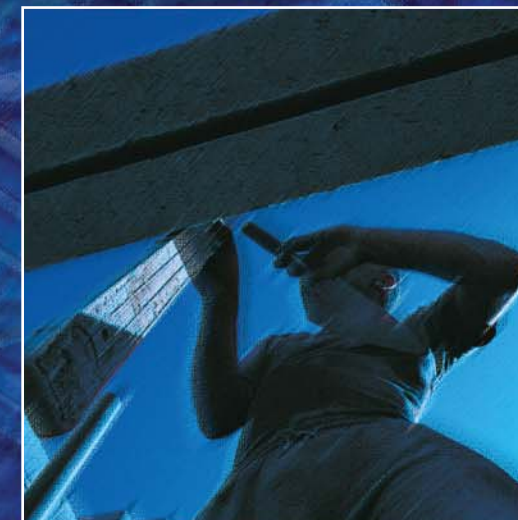
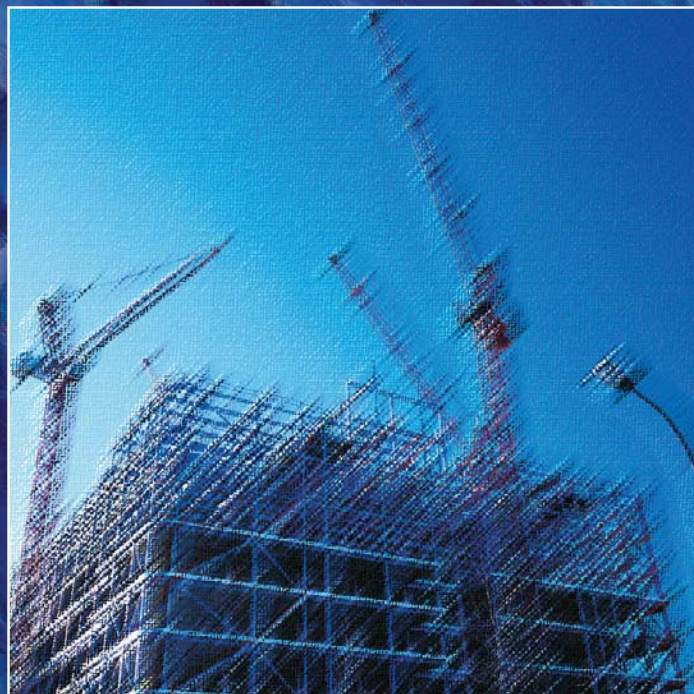
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# Organising Migrant Workers in Construction

Experience from the North East of England



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Experience from the North East of England

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Ian Fitzgerald





## Foreword

**This report** represents the conclusion of the first stage of the Northern TUC's programme of activity designed to raise awareness amongst trade unions and elsewhere about the growing phenomenon of migrant labour. The free movement of individuals within the European Union is a cornerstone of the European social model. However, workers who are able to exercise their right to mobility should do so without fear and exploitation. Trade unions exist to protect and safeguard the rights of workers whatever their background and wherever their country of origin happens to be.

This report is significant in that it illustrates the opportunities and challenges presented to the regional economy and trade unions by migrant labour. The study suggests that migrant workers are an increasingly influential component of the UK labour market. It also reveals that some of the most unscrupulous of employers are prepared to undermine the employment rights of those workers who have chosen to come to the North East to

work and make a valuable contribution to British society.

Participating in a 'race to the bottom' does nobody any favours, least of all those workers who are faced with low wages and poor conditions, sometimes underpinned by threats of or actual violence. Low wages, and the accompanying disregard for rights at work, will do nothing to solve the problems facing regions such as the North East, as they strive to break free from the stranglehold of low wages and low skills. In fact, the opposite will happen, which will run counter to the aims of objectives of regional economic strategies.

Where there is poor practice, unions stand ready to protect workers and take appropriate action. Likewise, where there are positive examples of employers working with unions and individuals to recruit migrant workers, based on fairness and respect at work, then these models deserve to be championed. For unions, this report highlights some salutary lessons of the challenges that exist in

recruiting and organising migrant workers. UCATT should be commended for the efforts they have undertaken to engage in this area. Organising migrant workers presents new challenges for trade unions, language barriers being just one, but unions are also engaged with housing issues as well as traditional employment related problems, which provides the rationale for developing partnerships with Citizen Advice Bureaus and other organisations. Ian Fitzgerald at Northumbria University deserves credit for leading a research exercise that has sought to generate understanding of a complex social issue and, at the same time, work with practitioners to identify solutions to difficult 'real-world' problems.

Kevin Rowan

Regional Secretary Northern TUC

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## Notes



## Notes

## Executive Summary

## Introduction

The TUC supports a managed migration system that ensures equal rights for people at work regardless of whether they are indigenous or migrant workers. However, unions face a major challenge in identifying innovative methods to recruit and organise migrant workers. In 2005, the TUC initiated a number of regional projects to assist in this process. This report presents the findings of one of the regional projects, which brought together the Northern TUC, the Union of Construction Allied Trades and Technicians (UCATT) and Northumbria University to examine how best to organise and recruit migrant workers in the construction sector in the North East of England.

## Mapping Migrant Workers in the Labour Market

The influence of migrant workers within the UK workforce has been growing steadily over the last ten years. Recent estimates suggest that there are nearly 1,400,000 foreign nationals working in the UK (IPPR 2004)<sup>1</sup>. This figure has been bolstered by the accession of the Central and Eastern European countries to the EU. The UK Government has calculated that approximately 330,000 migrant workers have arrived from these countries to work since April 2004. Around 31,000 new workers have come to the North East to take up employment in a range of sectors.

## A Lower Wage Agenda?

The UK Government has a clear strategy emanating from its White Paper on immigration (Home Office 2002)<sup>2</sup>, which centres on an attempt to accurately assess and control migrant flows through future policy. Evidence submitted to the Treasury Select Committee in 2004 (Portes and French 2005)<sup>3</sup> suggests that wages in certain sectors are either being slowed or stalled due to the entry of new migrants. A growing number of reports are also pointing to the fact that migrant workers are suffering poor and dangerous conditions in both the workplace and in their home lives. For the UK trade union movement there is an opportunity to recruit these workers, many of whom are seeking protection.

## The Construction Sector

The construction sector is a key industry in Europe and one of its biggest employers with a long history of sector migration both at European and national levels. In the UK, a recent project – (PEMINT)<sup>4</sup> – has identified that the construction sector has a long-standing reliance on a ‘reserve army’ of relatively cheap foreign labour. Crucially, the UK sector, compared to its European counterparts, is difficult to regulate, with self-employment commonplace. Alongside the employment of people via ‘cash in hand’, the large numbers of subcontract arrangements enable companies or individuals to set-up businesses and use agency labour almost at will.

## The North East Construction Sector

It has been forecast that the North East construction sector employs approximately 104,800 people<sup>5</sup> and that by 2010 this will rise to 111,800 with a consequential number of key issues for the sector. The sector itself is the most insular in England with a high level of intra-regional mobility.

## Migrant Worker Experiences in the North East

Using a questionnaire and action-based research methodological approach the project identified seven main areas for concern for migrant workers in the sector.

**Accommodation;** a number of workers were living in low standard property owned by employers, with some workers sleeping on the floor.

**Bank accounts;** many workers identified that they could not get bank accounts because employers would not provide appropriate information, including rent books and letters confirming employment.

**Conditions of employment;** the project uncovered a number of issues in this area including migrant workers not receiving wage slips or having contracts of employment. Many were working below the UCATT negotiated sector rates and were in need of assistance.

**Employer hostility;** two employers in particular were openly hostile to migrant workers and the project team, with violence used in both cases. In one example, employer violence led to a walk out of Polish workers, although UCATT was able to negotiate a satisfactory return

<sup>1</sup> IPPR (2004) *Labour Migration to the UK – An IPPR Factfile*, The Institute for Public Policy Research, June 2004.

<sup>2</sup> Home Office (2002) *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, Cm5487, The Stationery Office: London.

<sup>3</sup> Portes, J. and French, S. (2005) *The impact of the free movement of workers from central and eastern Europe on the UK labour market: Early evidence*, Department for Work and Pensions working paper 18, 2005.

4 The PEMINT project (2001–2004) was funded under the EU 5th Framework Programme and investigated the recruitment decisions of companies in the sector. Its main findings can be found in *Organisational Recruitment and Patterns of Migration: Interdependencies in an Integrating Europe*, special issue of IMIS-Beiträge edited by Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb, 25, December 2004.

<sup>5</sup> ConstructionSkills (2005) *The CITB-ConstructionSkills Employment and Training Forecasting Model: Draft Forecasts for the North East*, CITB-ConstructionSkills, Oct. 2005.

**Wages;** have been a key issue throughout the project with a number of migrant workers earning below the national minimum wage. UCATT has negotiated better rates and the situation is improving.

**The organising strategy** used for this project has covered three key areas. UCATT – providing a presence; consisted of the union visiting sites where migrant workers were based and beginning to break down barriers to engagement with the migrant workers encountered. In particular, the recently appointed UCATT development officer has played a leading role as a contact point for migrant works. Site and other meetings; this has involved site meetings with teams of Poles in which the union case was presented to migrant workers and they in turn expressed their concerns about their current conditions.

Other meetings have been conducted including a successful mass meeting of some 65 Polish workers. Developing migrant worker trust; this has proved the most difficult part of the project and was ably assisted by a national organiser from the Polish trade union Solidarnosc. Sustainability of membership; whilst there are currently issues surrounding the processing of migrant worker membership, for example lack of bank accounts and workers returning home. UCATT has resolved to continue to identify and recruit migrant workers alongside their ongoing recruitment strategies.

## Notes





Conclusion

**This project** has been a worthwhile exercise providing one of the first engagements of unions in the North East with migrant workers. If the figures provided by the WRS are anywhere near accurate, then migrant workers are likely to be an increasing part of the regional economy for the foreseeable future. Furthermore, whilst collecting information for the supplementary report it is becoming increasingly evident that employers are turning to workers from far beyond the EU. There are a number of key issues from the last section that are transferable to other union migrant worker recruitment campaigns. One of the central features of the project was the presence of union officials at workplaces who were prepared to engage with migrant worker issues. Whilst it will not be possible for all unions to have officials at migrant worker workplaces (workplace reps are of course important here) there should be engagement, if not through a direct workplace approach then through some other alternative. As recommended for this project this could be through clubs like the Polish club or local community centres. The key is to focus on the important issues for migrant workers. For example solving the problem of a lack of bank accounts or the need for English language classes can be a campaign tool through which a number of avenues of engagement can be developed. Multi-lingual leaflets are clearly important as an introduction, which can then be followed-up with community or workplace meetings. Engagement is the key to building trust. If this can be built then there will membership gains. If it is possible then unions should consider either appointing more BME officials or opening links with EU and wider trade unions to second empathetic organisers.

In summary, a few words should be said around the issue of sustainability of union membership. In this project, following the mass meeting, it was felt that a sizeable number of those migrant workers working in construction had been recruited. This, together with the election of six representatives, made for a successful early outcome to the project. However, there are real challenges here in two main areas. First, it has been difficult to process these membership applications as people do not have bank accounts, and this is still unresolved with efforts underway to engage with the respective banks to solve the problem. Second, following the Christmas holidays a number of the Polish workers have not returned to the North East. This is now seen as the most pressing issue for recruitment, as the UCATT Regional Secretary commented *‘initially it was the bank accounts that were an issue and that’s still important but this game is transitory. Locally, you will see someone on one site and they will move but you will see them again but it’s not the case with the Poles’*. There is growing evidence from UCATT that workers are coming into the sector for short periods and then returning home. This opens up serious questions around resources as the project proved an intensive period for UCATT.

Final comments should go to the trade union officials who have been active in this project:

*‘The Poles here are just working the job; they’re in trouble and have no energy left in them. They will go for the union if they get someone who is brave enough’* (Solidarnosc national organiser).

*‘We have to aim to establish reps; we have to aim to continue to keep in touch with the lads we have come across. If we can establish reps and keep a hold of them then I’m confident we can gain membership’* (UCATT Regional Secretary).

Introduction

**In its response** to the Home Office consultation document ‘Selective admission: Making migration work for Britain (2005)’<sup>6</sup> the TUC stated that:

*The TUC believes that a managed migration system, as well as meeting economic and labour market needs, should ensure equal rights for people at work whether they are indigenous or migrant workers. We believe that migrant workers make a major contribution to the economic and cultural life of Great Britain, but that those contributions are not the only valid reason for migration. Britain needs to meet its international obligations to migrant workers, and its moral obligations to people vulnerable to exploitation and developing countries whose need for skilled labour is greater even than Britain’s.*

The TUC general secretary Brendan Barber has identified the role that trade unions should have in relation to migrant workers:

*The reality is that most migrant workers only stay for short periods, and their precarious legal status means many end up working incredibly long hours for not much pay, in jobs that UK workers wouldn’t want to do. The challenge for unions is to find ways of recruiting migrant workers, offering them support and guidance so they become less exploitable and more aware of their rights.*

There are a growing number of migrant workers in the UK labour market, although it has been estimated that this diverse and difficult to define group represents less than five per cent of the working population (IPPR 2004)<sup>7</sup>. Following the accession of the new Member States to the EU in 2004 (a grouping now known as the A8 countries) the migrant worker population in the UK has expanded, with a particular rise in the number of Polish workers. Migrant workers present a challenge to the way that trade unions traditionally organise, and yet they also offer an opportunity to increase membership in ethnic communities that have low levels of trade union membership. As Hardy and Clark (2005)<sup>8</sup> have reported, the 2002 Labour Force Survey reveals that individuals not born in Britain are significantly less likely to join a trade union. In 2003<sup>9</sup>, the TUC reported that workers from Eastern Europe had the lowest level of trade union membership. Recognising these factors, the 2004 TUC Congress passed a resolution calling for greater efforts amongst unions to organise and recruit migrant workers. Building on work already underway nationally, the TUC initiated a series of regional projects to identify and support those individuals who find themselves on distant shores, many working long hours for low wages and many facing the threat of physical intimidation.

This report illustrates the findings from one of the regional projects, a joint Northern TUC, Union of Construction Allied Trades and Technicians (UCATT) and Northumbria University action based research study, which also utilised the expertise of the solicitors – Browell Smith and Co. The project had two central aims. First, to map the extent of migrant labour in the North East construction industry. Second, to help recruit and organise migrant construction workers into UCATT. The project found that the vast majority of migrant workers in construction in the North East are Polish, although there have been small groups of Portuguese and Indian workers.

The report is divided into three main sections. The first part outlines the mapping of migrant workers in the UK labour market and the issues surrounding migrant worker employment. The second section illustrates the main issues within the construction sector and the working conditions of migrant workers found in the North East. Finally, the report sets out the recruitment and organising strategies employed by UCATT during the research exercise.

<sup>6</sup> TUC (2005) *Making a Rights-based Migration System Work*, TUC response to the Home Office consultation document ‘Selective admission: Making migration work for Britain’, TUC, October 2005.

<sup>7</sup> IPPR (2004) *Labour Migration to the UK – An IPPR Factfile*, The Institute for Public Policy Research, June 2004.

<sup>8</sup> Hardy, J. and Clark, C. (2005) *EU Enlargement, Workers and Migration: Implications for Trade Unions in the UK and Poland*, paper presented at the Global Unions Research Network International Workshop ‘Trade Unions, Globalisation and Development – Strengthening Rights and Capabilities of Workers’, Novo Hamburgo, Brazil, January 2005.

<sup>9</sup> Trade Union Congress [2003] *Overworked, underpaid and over here - Migrant workers in Britain*, TUC: London.



Mapping Migrant Workers in the Labour Market

**The influence** of migrant workers within the UK labour market has grown during the last decade, with the accession of the Central and Eastern European countries in April 2004 boosting the overall inflow of labour from outside the UK. The migrant labour population is both diverse and difficult to define. In 2003, it was estimated that there were nearly 1,400,000 foreign nationals working in the UK (IPPR 2004)<sup>10</sup>. The Institute for Public Policy Research (IPPR) estimated that this was a 61 per cent increase on the number of migrant workers ten years previous, although the overall figure still accounted for less than five per cent of the total working population in the UK. Significantly, the IPPR study estimated that approximately forty per cent of the migrant worker population in 2003 came from the 15 EU Member States, with an additional 4.5 per cent derived from Central and Eastern Europe.

Following the accession of the Central and Eastern European countries (A8) into the EU, the UK allowed individuals from these states to enter freely the UK labour

market, albeit with one restriction that those seeking employment had to register on the Worker Registration Scheme (WRS). The self-employed did not have to register. The WRS now produces regular data on A8 nationals entering employment in the UK, with the most recent accession report (Home Office 2006)<sup>11</sup> stating that during the period May 2004 to December 2005 there have been 329,090 successful single migrant worker registrations onto the scheme.

The new source of data provides a number of details on migrant workers, including industry of employment, regional location and nationality. For example, *Table 1* shows the sectors in which people are employed. Most migrant workers are employed in administration, business and management services (32 per cent). Twenty-two per cent work in hospitality and catering, while agriculture, manufacturing and construction account for twelve per cent, eight per cent and four per cent respectively. Importantly, the vast majority of migrant workers (79 per cent) are earning between £4.50-£5.99 per

hour and ninety-seven per cent are working full-time. There are an almost equal number of migrant workers who are permanently (48 per cent) and temporarily (49 per cent) employed. Within administration, business and management, and agriculture, the vast majority of workers are employed on a temporary basis (82 per cent and 68 per cent respectively). In hospitality and catering 76 per cent are permanently employed.

*Table 2* offers a regional breakdown of where people are based, although it should be noted that the Government only records in-flows, not out-flows, and so the numbers here are cumulative. According to the data, the North East (30,255) - which includes the North East; Yorkshire and the Humber regions - and the North West (26,615) are home to an increasing number of migrant workers, although the figures for the last quarter are slightly down. Finally, the vast majority of those registering to the WRS are Polish workers with a figure of sixty per cent of total WRS single registrations.

Table 1 : A8 Industries

Sector	2004				2005			2004-05 TOTAL
	MAY - JUN	JUL - SEP	OCT - DEC	JAN - MAR	APR - JUN	JUL - SEP	OCT - DEC	
Admin, Business and Management	6,590	11,110	13,535	14,155	17,165	21,000	21,360	104,915
Hospitality and Catering	12,000	12,980	9,325	8,085	10,475	11,300	8,420	72,590
Agriculture	8,240	5,660	3,005	4,000	9,295	6,685	2,645	39,525
Manufacturing	2,360	3,750	3,640	3,550	4,280	4,250	3,410	25,245
Food; Fish; Meat Processing	1,590	2,545	2,345	2,215	2,815	2,935	2,550	16,995
Construction and Land	1,710	1,995	1,480	1,610	1,905	2,090	1,575	12,365

<sup>10</sup> IPPR (2004) *Labour Migration to the UK – An IPPR Factfile*, The Institute for Public Policy Research, June 2004.  
<sup>11</sup> Home Office (2006) *Accession Monitoring Report May 2004 - December 2005*, Home Office, Department of Work and Pensions, Office of the Deputy Prime Minister, 28th February 2006.

safe in that contained large enough numbers so that they could show their support for the union, and that provided people with the opportunity to talk openly. A mass meeting was organised at the Newcastle Polish club with Polish food and drink provided. Leaflets in Polish were printed and information about the union and the project were circulated. All project partners attended, as well as over 65 Polish migrant workers. Thereafter followed in-depth discussion and debate, with 50 workers completing UCATT recruitment forms. The other significant milestone was the recruitment of six Polish lay representatives to initially collate and also articulate the main migrant worker issues. As the UCATT Regional Secretary stated *‘the mass meeting was very important it showed us that they were willing to come, we got the recruits that night, it was almost as if we had a Polish section although our aim is for branch integration’*. As the Solidarnosc organiser stated prior to the meeting *‘these workers know about unions in Poland, the biggest barrier to them about joining a union is the fear, they feel very vulnerable. They’re just thinking about the practical issue of signing up to the union, if they say something they will be sacked’*.

Following the mass meeting, the first Polish representatives meeting took place; this brought together the project partners including Browell Smith and Co to assist Polish representatives with the most pressing issues of migrant workers. The meeting again dealt with a number of these issues.

Retain

Specific site meetings with migrant workers are time consuming and without adequate translation can be unproductive. Unless there is an urgent issue or it is felt that a migrant worker contact can assist, as in the case of the site near Newcastle, in engaging with a large number of

workers, then these should be used sparingly. Instead campaigns should be used as indicated below.

- Continue to challenge prejudice at the workplace and look to develop a discussion of the migrant worker question at site meetings already being undertaken with the regions construction workers. This will allow the union to gauge if training needs to be rolled out on the issue of prejudice and the situation of migrant workers in the region.
- If the group of lay migrant worker representatives are developed then the union should look to continue a meeting or session where current migrant worker issues can be addressed and valuable information obtained.

Develop

Rather than have a mass meeting, campaigns should be orchestrated around important migrant worker issues. This can include, if need be, either site meetings with those workers involved or a large mass meeting in an appropriate location as before.

- English language training projects should be supported as progress can be built on effective communication. If language barriers are broken then engagement between regional and migrant construction workers at site level will follow. Increased migrant worker English language skills will allow the union to be more effective in the workplace. Significantly, they can provide another recruitment tool at the place of provision when run in migrant community centres. Currently a funding proposal has been submitted to the Arts Council to provide language training for Polish workers at the Polish club in Newcastle, this project is supported by UCATT.

Developing migrant worker trust

Trust was developed during the project and still continues to be a central feature

of engagement. The issue of trust is crucial to any relationship, particularly when dealing with BME communities. In this project it proved the same *‘trust has been critical. You can go to a site once and get no recruits, you go back a second time and they recognise your face, probably the third time they begin to question why you want to help them. I’ve found that they will now take forms away’* (UCATT development officer). This was not an easy task and in many cases it is still an ongoing situation. For this project an essential part of gaining trust was the introduction of a national organiser from Solidarnosc in Poland, Tomasz Laskowski. Having Tomasz as part of the project team for a week was a key factor in why the mass meeting was a success. Tomasz fully communicated with and was trusted by many migrant workers. Trust, though, was not just formed simply via Tomasz. It also took months of UCATT engagement and visibility at sites, site meetings and mobile phone conversations at all hours.

Retain

Communication with migrant workers on site should be continued, even when there are language barriers. Be aware that it takes a number of positive actions to build trust but just one undelivered promise to break it.

Develop

The union should seek to second a Polish or appropriate person for a short period, as was the case in this project, this will greatly assist recruitment. From a practical point of view it may be appropriate for the Northern TUC to liaise with other European or international unions, as with the example of the North West TUC migrant worker project.







some main contractors were intentionally undermining the WRA rates:

*'I had a fear in the early days of the project that some of the main contractors were more than happy to use migrant workers to undercut the rates. But my initial reaction was wrong or if that had been the intention it has not developed, generally bricklayers rates are still as good as they have ever been; although I know that some subcontractors are trying to pay less than the rates'.*

(UCATT Regional Secretary)

The main contractors have generally been sympathetic and in a number of cases have agreed to employ migrant workers directly following discussions with UCATT officials. Those workers are now paid the full rate for the job and have the same conditions as other workers in the sector. In the case of the main contractor who controlled the site near Darlington pressure was also bought to bear on the subcontractor following the violent episode alluded to previously. The Regional Secretary bought pressure to bear on subcontractors, with the company employing the most Polish workers seen as the key. Following an initial hostile reception, the company has recently begun negotiations to introduce a 'check-off' system. If negotiations are successful the company will introduce a membership agreement for all its Polish workers allowing UCATT 'a foot in the door'. Regular communication will then be established with the company and workers directly sent union information, etc. The UCATT Regional Secretary believes there were two reasons for this change in attitude. First, the constant presence of UCATT at sites where the company operated allowed engagement with their Polish workers (as discussed) and importantly details were also passed on of employers who followed the WRA. Second, at the mass meeting of Polish workers UCATT argued that if subcontractors continued to operate

unlawful practices then the strong links the union had with the Inland Revenue Construction Section would be used to close these companies. Following this meeting, a company director came to the UCATT office unannounced to begin negotiations.

Retain

A centre feature in this project has been the ongoing presence of UCATT at workplaces. In tune with other union organising strategies, this is crucial if barriers are to be broken-down and trust gained. As with work alongside BME communities in the North East, workers and potential members appreciate and value personal contact.

- Continue to support direct engagement with the key translated documents already in circulation, e.g. the introduction to the union leaflet and the newly printed leaflet on tax, a major concern of many workers who paid emergency tax and national insurance, and methods to overcome the problems of setting up bank accounts.
- Continue pressuring subcontractors to allow direct engagement with migrant workers on site.

Develop

Translate a summary of the WRA to display in all canteens. This should have clear contact information and a statement that rates are only possible if workers are UCATT members.

- Translate and distribute health and safety information, which as noted by UCATT officials is a useful tool for recruitment.
- UCATT should look to open links with the Newcastle Polish club and other migrant worker community centres in the region. These can provide locations for the direct distribute of union information and or allow posters to be displayed giving information on the union. They can also assist with future migrant worker campaigns.

Site and Other Meetings

Site meetings were an ongoing feature of the migrant worker project, whilst other organised meetings were utilised at appropriate times. Site meetings followed the initial engagement when early barriers were broken. The most important was the site near Newcastle where the largest numbers of Poles were working. Here an English speaking Pole sympathetic to the union, who was part of the site team, was engaged for translation purposes. At an early meeting the team were met with a hostile reaction as workers were very angry about their situation *'something should be done, no one is helping us'* *'we want action now'* (migrant workers at the site near Newcastle). There was also a debate about whether to trust the project team or not. But following the team's assistance with a number of queries regarding employment rights, trust began to be established. Overall, although meetings could be difficult to handle they were an effective means to build trust and develop relationships.

In an attempt to confront prejudice and assist recruitment a meeting of all UCATT officials and a number of lay representatives was organised at an early stage. A Polish worker gave his story and detailed what was happening to these workers. The meeting was positive and it was interesting to find out that some lay representatives had already begun to try to assist with recruitment *'there is a real fear factor with these people, I spoke to a bricklayer on a site and he was scared. So I contacted UCATT officially and we went back to do something about this but he had gone'* (UCATT lay representative). As this has not as yet been identified as a real issue in the region no other meetings have been arranged.

It was decided mid-way through the project that it was important to bring workers together into an environment that they felt

Table 2 : A8 Regional Profile<sup>12</sup>

Area	2004				2005			2004-05 TOTAL
	MAY - JUN	MAY - JUN	MAY - JUN	MAY - JUN	MAY - JUN	MAY - JUN	MAY - JUN	
Anglia	7,950	7,855	6,105	6,115	8,480	8,400	6,660	51,570
London	9,560	8,920	6,985	6,090	6,070	5,920	5,200	48,755
Midlands	2,930	4,225	4,550	5,645	6,840	7,045	7,000	38,235
Central	4,840	4,790	4,260	4,525	5,555	5,915	4,470	34,355
North East	1,575	3,395	4,090	3,885	4,895	6,605	5,810	30,255
South West	2,600	3,885	3,215	3,560	5,465	5,360	3,660	27,740
North West	1,565	3,180	2,920	3,350	4,890	5,850	4,850	26,615
South East	3,930	4,350	2,920	2,715	3,975	4,000	2,890	24,780
Scotland	2,250	3,255	2,645	2,285	4,540	5,280	3,685	23,940
Northern Ireland	745	1,340	1,570	1,840	2,460	2,305	2,120	12,380
Wales	625	875	930	1,120	1,405	1,560	1,340	7,850
Not Stated	225	365	405	345	485	455	305	2,620
Total	38,830	46,440	40,600	41,480	55,065	58,690	47,985	329,090

A 2004 Economist Intelligence Unit report identifies some of the push factors that have led to large numbers of Poles migrating to the UK to work. The report cites unemployment rates in Poland of approximately 20 per cent in some cities rising to 35 per cent in many rural areas. When the population is disaggregated by age, the unemployment rate is as high as 40 per cent for young workers (EIU 2004)<sup>13</sup>. Interestingly, even though the data is not broken down by country, the most recent accession report (Home Office 2006)<sup>14</sup> states that 44 per cent of individuals registering on the WRS are aged 18-24, with a further 39 per cent aged 25-34, which means an overall total of 83 per cent aged 18-34. 94 per cent of those registering on the WRS stated that they had no dependents with them in the UK. To some extent, this could be anticipated due to the younger age groups involved, but it might also provide useful information on the mobility of these workers, which

itself opens up a series of new questions around the challenges of developing sustainable trade union membership, as briefly discussed in the last section.

Whilst the previous synopsis provides an indication of the nature of migrant labour flows, a recent UK Government report noted that there is a *'paucity of appropriate data'* (Portes and French 2005: 7)<sup>15</sup> in this area. However, the report suggests that the WRS provided an opportunity to extend knowledge. From a trade union organising point of view there is an obvious requirement to be aware not only of the ethnicity and cultural characteristics of potential members, but also critically the sectors where people are geographically-based. Given the low rates of pay identified in the WRS there is also a wider question of whether migratory flows are an increasing challenge to established terms and conditions of employment. In essence, how far does migrant labour provide an

opportunity for some employers to 'dampen' or 'undermine' existing wages and employment rights? The next section attempts to address some of the questions posed by the adoption of a regressive employer approach to migrant labour.

A Lower Wage Agenda?

In the aftermath of A8 accession to the EU, UK employers continued to report problems with recruitment. The 2004 Learning and Skills Council's National Employers Skills Survey (LSC 2005)<sup>16</sup> estimated that employers in England had 616,800 vacancies (25,700 in the North East), of which over a third (38 per cent) were hard-to-fill vacancies (a definition that includes reasons such as poor pay or conditions of employment). The LSC report identified construction as one of four sectors that were facing significant difficulties finding suitably skilled recruits. Just over half (53 per cent) were defined as hard-to-fill vacancies.

<sup>12</sup> Figures for the North East Government Office Region are thought to be approximately 5,000.  
<sup>13</sup> EIU (2004) *Poland: Country Report*, Economist Intelligence Unit: London.  
<sup>14</sup> Home Office (2006) *Accession Monitoring Report May 2004 - December 2005*, Home Office, Department of Work and Pensions, Office of the Deputy Prime Minister, 28th February 2006.  
<sup>15</sup> Portes, J. and French, S. (2005) *The impact of free movement of workers from central and eastern Europe on the UK labour market: Early evidence*, Department for Work and Pensions working paper 18, 2005.  
<sup>16</sup> LSC (2005) *National Employers Skills Survey 2004: Main Report*, Learning and Skills Council, July 2005.





The Government’s position, emanating from its White Paper on immigration (Home Office 2002)<sup>17</sup>, is to assess and control migrant flows through future policy. As the Home Secretary stated in 2003, *‘effectively managed legal migration is vital to Britain’s economic and social interests’* (Home Office news release 309/2003)<sup>18</sup>. In 2004, he argued that the Labour Government would *‘build on our commitment to a flexible but regulated migration policy. It is in Britain’s best interest to welcome legal overseas workers to help fill skills gaps and the vacancies in our labour market’* (Home Office news release 069/2004)<sup>19</sup>.

Evidence of what these new flows mean for the labour market is emerging. Professor David Miles (Morgan Stanley) recently informed a Treasury Select Committee *‘we’re [the Bank of England] getting a message from agents around the country that flows of migrants were helping to prevent shortages in certain pockets of the economy for certain types of worker and were preventing wages being bid up in those sectors’* (Treasury Select Committee 2004a)<sup>20</sup>. The same committee also heard from the Chief economist (Charles Bean) at the Bank of England who speculated that subdued wage growth ‘may be (due to) inward migration recently helping to relieve strategic bottlenecks’ (Treasury Select Committee 2004b)<sup>21</sup>. Following these comments, the Department for Work and Pensions published a report (Portes

and French 2005)<sup>22</sup> on the impact of migrant workers from the A8 countries on the UK labour market. Whilst the authors note that policy has driven *‘flows of relatively low-skilled migrants from the accession countries to the UK’* (Portes and French 2005: 25), they believe that it is too early to draw any firm conclusions on impact. They conclude that initially *‘the economic impact of accession has been...relatively limited but broadly positive’* (Portes and French 2005: 30). However, they go on to state that in local labour markets there is evidence of increases in unemployment and *‘in the agricultural and fishing sector...there is some mixed evidence that growth in nominal wages has been reduced relative to the rest of the economy’* (Portes and French 2005: 33).

The immediate evidence of what this means for migrant workers is growing (TUC regional migrant labour projects 2006; Clark 2005<sup>23</sup>; McKay and Winkelmann-Gleed 2005<sup>24</sup>; CAB 2005<sup>25</sup> and 2004<sup>26</sup>; TUC 2003<sup>27</sup>). The Citizens Advice Bureau reports that ‘migrant workers now represent at least 25 per cent of the total clients for some bureaux’ (CAB 2005: 14). Conclusions from these reports indicate that migrant workers are being exploited by unscrupulous employers or labour agencies so that business can gain a competitive advantage. As an annual CIPD survey (CIPD 2005)<sup>28</sup> reported as many as 20 per cent of organisations are now

recruiting migrant workers to fill vacancies. There are numerous examples of how this process is taking place, with companies either undertaking direct recruitment drives in foreign countries (see Kirby 2006<sup>29</sup> for a national perspective on Polish workers); and/or setting up joint ventures or links with either foreign or UK based companies to again identify and employ workers outside of the UK (see King 2005<sup>30</sup> for a North East perspective).

The question for the trade union movement is how formalised and widespread this process will become as more and more employers recognise that *‘the guys* (Polish workers) *are extremely reliable...and have a very good work ethic’* (quoted in King 2005); and *‘while I don’t want to disparage our British workers, the Poles have a terrific work ethic...They always make the effort to go the extra mile’* (Kirby 2006). The clear implications are that not only are separate groups being established in the workforce but that there is a real opportunity for employers to move from recruiting migrant workers because of current vacancies to preferring migrant workers and directly employing them in country of origin on lower terms and conditions of employment.

Organising Migrant Workers in Construction

**Unions nationally** have begun to step up their organising activity. The organising approach, reflecting strategies originating in the United States and Australia, seeks to recruit and encourage members to become more active in the union and to take up roles. Active membership is seen as the key to building sustainable trade unionism. There is growing evidence that unions are able to flourish if there are active reps in the workplace, and that the more visible the union, the more likely it is that people will join the union and stay in membership. As well as being the most insular construction sector in England, the North East is also one of the most inter-transitory sectors with workers moving from one site to another as jobs finish (IFF Research 2005)<sup>52</sup>. *Table 5* is reproduced from the IFF Research report (p14) and it indicates that only fourteen per cent of workers expect to be on a site for more than 6 months (compared to 27 per cent nationally), whilst nearly one in four (23 per cent) are on sites for between one-to-three months (compared to 17 per cent nationally).

officials as they move from site to site; good working relationships with national contractors and local subcontractors; and the national WRA, which is the backbone of negotiation at a local level. The union makes sure that a summary of the WRA is in each site canteen and it highlights the Agreement to new and non-union workers. The organising agenda and the pattern of worker engagement in the North East construction sector provided the backdrop in which the project team developed and implemented a strategy to organise, recruit and in the future retain migrant workers in the North East construction sector. The remainder of this report discusses the three key areas of the strategy and the current challenges to the sustainability of migrant worker membership.

**UCATT - Providing a Presence**  
This approach continued throughout the project and is a central feature of the migrant worker recruitment strategy utilising the regular presence that UCATT officials already have on sites. It has two

*about the benefits of being in the union’*. The second allows an identification and then direct engagement with site subcontractors, to initiate negotiations for long-term ‘check off agreements’ and adherence to the WRA. An added dimension with the use of the newly appointed UCATT regional development officer to act as lead officer in maintaining direct engagement with the Polish workers and the issues this would bring.

As the development officer noted *‘showing your face is what it’s been about...We had to break down the barriers and begin to engage with these Polish workers’*. To support this early engagement a leaflet was designed in Polish explaining who the union were and what it could do for people, *‘an important part of this’* (UCATT development officer). At the key site for migrant workers near Newcastle the development officer was also able to develop an early relationship with the canteen manager that assisted in breaking down barriers with the Polish workers.

As part of this approach an early focus was to identify Polish workers who could speak English and were sympathetic to the project team’s objectives. Although a series of Polish mobile phone contacts were developed initially, which proved useful for identification of other Polish workers in the region, it proved overall less of a success *‘they tend to network with each other but not us’* (UCATT development officer).

Negotiations with the key migrant worker subcontractors and main contractors had some success. There was initial UCATT concern that subcontractors and crucially

Table 5 : Length of Time People Expect to Stay on Sites

Duration	North East (%)	UK (%)
Less Than 1 Month	12	113
1 to 3 Months	23	17
3 Months to 6 Months	15	17
6 Months to a Year	10	18
More than a Year	4	9
Don't Know	35	25

UCATT recruitment and retention relies on local knowledge from site agents and others regarding newly arrived subcontractors; site based lay representatives; the diligence of full-time

main functions, the first allows a direct line of communication with workers *‘the most common form of recruitment is to visit the sites and meet the lads at dinnertime and break times in the morning and talk to them*

<sup>17</sup> Home Office [2002] *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, Cm5487, The Stationery Office: London.  
<sup>18</sup> Home Office [2003] *Speech by Home Secretary David Blunkett*, News release 309/2003, 12th November 2003.  
<sup>19</sup> Home Office [2004] *Speech by Home Secretary David Blunkett*, News release 069/2004, 23rd February 2004.  
<sup>20</sup> Treasury Select Committee [2004a] *Evidence from Professor David Miles to the Treasury Select Committee*, 25th November 2004.  
<sup>21</sup> Treasury Select Committee [2004b] *Evidence from Charles Bean to the Treasury Select Committee*, 30th November 2004  
<sup>22</sup> Portes, J. and French, S. [2005] *The impact of free movement of workers from central and eastern Europe on the UK labour market: Early evidence*, Department for Work and Pensions working paper 18, 2005.  
<sup>23</sup> Clark, N. [2005] *A Level Playing Field for Workers*, paper presented at the Institute of Employment Rights ‘Labour Migration and Employment Rights’ seminar 14th June 2005.  
<sup>24</sup> McKay, S. and Winkelmann-Gleed, A. [2005] *Migrant workers in the East of England*, project report for the East of England Development Agency, June 2005.  
<sup>25</sup> CAB [2004] *Nowhere to Turn: CAB evidence on the exploitation of migrant workers*, Citizens Advice Bureau, March 2004.  
<sup>26</sup> CAB [2005] *Somewhere to turn*, Citizens Advice Bureau, 2005.  
<sup>27</sup> Trade Union Congress [2003] *Overworked, underpaid and over here - Migrant workers in Britain*, TUC: London.  
<sup>28</sup> CIPD [2005] *Recruitment, retention and turnover*, Annual Survey Report, 2005.  
<sup>29</sup> Kirby, T. [2006] *Three Quarters of a Million and Rising: How Polish Workers have Built a Home in Britain*, The Independent, 11th February 2006.  
<sup>30</sup> King, G. [2005] *North Enjoys its Pole Position*, 1st June 2005.

<sup>52</sup> IFF Research (2005) *Workforce Mobility and Skills in the UK Construction Sector (North East Report)*, research report for ConstructionSkills, Department of Trade and Industry and ECITB, IFF Research Ltd, February 2005.



English construction workers spoken to that points towards a much harsher reception on unorganised sites. Here, those from the region view an ‘influx’ of Poles as *‘taking work away from us’*. In the subcontractor interview it was also stated that *‘the biggest thing that worries me is that Northumbrians are ‘slightly’ racist and Poland is thought of as a third world country that’s somewhere in Russia’*.

Wages

One of the clearest and most pressing issues for the Polish migrant workers in the sector is their level of pay. All made consistent complaints about the level of pay they were receiving’ and in a number of cases were not receiving. There was, though, confusion when asked what their hourly rate was or the exact amount they were being paid *‘they don’t know what their hourly rate is’* (Solidarnosc national organiser). The reasons for this were either answered by the following comments *‘I got a wage slip but no money yet’* (Migrant worker – at a site near Newcastle); *‘I come to England for one month working I have no money to spend’* (Migrant worker – at a site near Darlington); *‘Three men, three weeks, no money!’* (Migrant worker – at a site in Teesside); *‘I have worked four weeks still no money’* (Migrant worker – at a site in Teesside). Or in the case of many, they were undertaking piecework, and expected to be paid by the hours worked, *‘before leaving Poland I told £9.00 per hour but in England this is not so. I now do piecework but don’t know how much per brick or block I get’*. Migrant workers were also suspicious about providing both full details of wages and or wage slips.

The project team, though, were able to get hold of two payslips, one for a squad of three men, from a site near Newcastle. When matched to questionnaire data, this

revealed that the squad of three (two bricklayers and a labourer) were earning £4.19 per hour, whilst the other Polish worker (a bricklayer) was earning £4.75 per hour. All were earning below the then minimum wage and considerably lower than the UCATT WRA rate which lays down a minimum £6.77 for a labourer and £9.00 per hour for a bricklayer. A UCATT official further uncovered a more alarming rate of pay at the site in Teesside *‘One of the lads showed me their payslip which had 78hrs on it for 150.00 (£1.92 per hour)’*. The canteen manager at the site near Newcastle also reported that the worker she helped to get another job was receiving just £2.44 per hour. She also reveals that not only are some of these workers being paid well below the minimum wage, but that they are undertaking unpaid duties that lead to long hours with a low wage return. A contract of employment for staff on the site near Newcastle stated that each gang must have an English speaker. The canteen manager identified that this was an important factor behind the low hourly rate of pay... *‘I saw Peter’s wage slip and the low pay he was getting but bear in mind that Peter was the only one on site who could speak English. He was being pulled off site to translate all the time. On a Friday he was also in the canteen writing the timesheets out and he was doing a lot of work at home on the timesheets. Now remember all he got paid for was the bricks he laid’*.

What is also significant is the issue of piecework, which is not stipulated in contracts. Piecework is common in the sector, with workers earning no less than the agreed minimum rates noted earlier. What is also common are the hours of work that go beyond the 48 hours per week stated in the Working Time Directive after workers sign a waiver. A large number of

those encountered worked above the 48 hours but had not signed waivers. For example, of the respondents to the questionnaire, three indicated that they worked 50 hours per week; sixteen 52 hours per week (approximately 70 per cent); and the remaining four 56 hours per week. For those on the site near Newcastle this included Saturday morning working which was undertaken so that people could meet their piecework commitments.

In sum many workers encountered are working long hours for little reward as a migrant worker commented *‘we were told that you can go to England and earn big money but when we got here they gave us little’* (Migrant worker – at a site near Darlington). Another, was illuminating *‘people think because she* (the Polish woman director of the questionnaire company) *is from our country she will help us but she is not helping, she is setting impossible targets so we cannot earn money’* (Migrant worker – at a site near Newcastle). UCATT over the time of the project have become well aware of this *‘we’ve realised all the way they’re getting ripped-off and the conditions they have are absolutely atrocious. The money they’re getting and the hours they’re having to work to get the money, they’re not even being paid the minimum rate for craftsmen’* (UCATT regional official). They, with the project team, have developed a strategy that sought to engage with these workers to gain their trust and then recruit and organise them to make sure that the WRA applies to all workers in the sector. The following section discusses how this strategy was undertaken and how it is still continuing.

The CAB 2004 report states that even though the Government has sought to establish *‘a framework of decent workplace standards’* (DTI 2003)<sup>31</sup>, when it comes to migrant workers: *‘...workers are losing out. Good employers lose out if their competitiveness is undercut by the bad, and the power of the market place can easily lead to a rapid downward spiral of wages, conditions, and workplace safety. The reason for this is simple: no arm of Government has been given overall responsibility for enforcing the employment rights introduced or enhanced since 1997. As a result, the UK remains the only EU country without an enforcement body charged with ensuring that employers comply with their legal obligations (CAB 2004: 2)’*<sup>32</sup>.

Don Flynn (Joint Council for the Welfare of Immigrants) goes one stage further, arguing that there is an identifiable Government strategy that is intended to ensure that migration to the UK fits with the interests of British business (Flynn 2005: 5)<sup>33</sup>. Whilst the overall picture of migrant flows, including Government policy towards these, and the strategic role that trade unions should have in this area, is still not entirely clear, this project provides further evidence that the trade movement should be aware of these issues. Certain unscrupulous employers could cultivate a ‘reserve’ army of migrant workers to not only fill skill gaps within the UK labour market, but also as a means of undermining established employment terms and conditions that have taken years to negotiate.

For the UK trade union movement, which has taken a progressive stance on xenophobia, there should be a growing realisation that migrant workers present a real recruitment and organising opportunity. Any successful organising strategy has to be informed by a clear understanding of the existing labour market, as well as the national, regional and local economic and social landscape. The following section analyses the construction sector and the current employment conditions faced by Polish migrant workers in the North East.

<sup>31</sup> DTI (2003) *Know your rights: employment relations information for workers*, Department of Trade and Industry, 2003.  
<sup>32</sup> CAB (2004) *Nowhere to Turn: CAB evidence on the exploitation of migrant workers*, Citizens Advice Bureau, March 2004.  
<sup>33</sup> Flynn, D. (2005) *An historical Note on Labour Migration Policy in the UK*, paper presented at the Institute of Employment Rights ‘Labour Migration and Employment Rights’ seminar 14th June 2005.





The Construction Sector

**Construction** is a key industry in Europe and one of the continent’s largest employers ‘given its central role in providing the infrastructure for all other industries, and its close links to public works, the construction sector has always been considered as a strategically important industry for creating employment and sustaining growth’ (Lavenex 2004: 41)<sup>34</sup>. Interestingly, the PEMINT project found that Southern European countries were more open to migration from outside the EU, while their own workers often moved abroad to Northern Europe (Baganha and Entzinger 2004: 11)<sup>35</sup>. Inter-European migration in the sector is long standing:

*Unlike most other branches of industry, it is not easily possible to relocate sites in the construction and building industry. Much of the sector is territorially bound, which is an extra incentive for employers to cut the cost of labour, for example through innovative recruitment practices and by attempting to avoid too much regulation. Thus, employers in construction will be challenged, more than in other sectors, to look for cheap labour outside domestic markets. EU regulations encourage them to do so in other Member States rather than outside the Union* (Baganha and Entzinger [2004: 11].

As Bruno Koebele (president of the European Federation of Building and Woodworkers) said in the early 1990s ‘...for building workers, moving from place to place is nothing new. It is an historical fact that they always made their migratory rules

*themselves and organised the way these were supervised’* (quoted in Koebele and Cremers 1994: 11)<sup>36</sup>. In the UK, the PEMINT project has identified that the sector has been reliant on a ‘reserve army’ of relatively cheap foreign labour (Balch *et al.* 2004)<sup>37</sup>. In recent years this has been provided by labour from the Republic of Ireland. However, following the Irish economic boom, many workers have returned home and the employment gaps are now being filled by Central and Eastern European workers, many of whom share the same willingness to do ‘dirty jobs’ with little security.

An important feature of the UK construction sector, when compared to its European counterparts, is that it remains difficult to regulate. A central component is self-employment, which runs alongside the employment of people ‘cash in hand’, and large numbers of subcontract arrangements, which enables companies or individuals to set-up businesses and use agency labour. Dobson and Salt (2004: 102)<sup>38</sup> have argued that even though the UK has a sizeable foreign workforce, weak regulation makes it difficult for migrant workers to penetrate local labour markets. The PEMINT project team identify that recruitment for mid and low skilled workers is often managed through informal networks, for example business contacts and ex-employees (Balch *et al.* 2004: 191). Given that this often occurs at

site level, PEMINT found that for migrant workers, particularly in the past with Irish labour, migratory chains played an important role in this. There is a clear role here for subcontractors and employment agencies that can play an important early part in the migratory process, particularly those with links to an external EU country. Work has been undertaken on the issue of migratory networks (see for example the discussion in Vasta 2004<sup>39</sup> with regard to informal networks), although this project has not been able to fully investigate such networks with regard to construction and Polish workers in the North East. However, some initial comments can be made; as the first entrants to the local labour market start to find their feet, information is likely to be shared as workers find their way into the local sector. The project was able to identify the emergence of a developing information network, based on mobile phones. For example, news of industrial relations incidents at one site were passed around to other sites and workers. It is fair to assume that job opportunities and key contacts in the industry might also be passed on (see Duvell 2004<sup>40</sup> with regard to Polish workers); importantly this developing network is likely to become embedded as time progresses. No further conclusions can be drawn at this time, and a wider discussion of what has been unearthed by this project is illustrated later.

<sup>34</sup> Lavenex, S. (2004) *Towards an International Framework for Labour Mobility? The General Agreement on Trade in Services (GATS)*, special issue of IMIS-Beiträge edited by Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb, 25, December 2004.  
<sup>35</sup> Baganha, M. and Entzinger, H. (2004) *The Political Economy of Migration in an Integrating Europe: An Introduction*, special issue of IMIS-Beiträge edited by Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb, 25, December 2004.  
<sup>36</sup> Koebele, B. Cremers, J. (1994) *European Union: Posting of Workers in the Construction Industry*, Bonn 1994.  
<sup>37</sup> Balch, A., Fellini, I., Ferro, A., Fullin, G., and Hunger, U. (2004) *The Political Economy of Labour Migration in the European Construction Sector*, special issue of IMIS-Beiträge edited by Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb, 25, December 2004.  
<sup>38</sup> Dobson, J. and Salt, J. (2004) *Review of Migration Statistics*, special issue of IMIS-Beiträge edited by Michael Bommers, Kirsten Hoesch, Uwe Hunger and Holger Kolb, 25, December 2004.  
<sup>39</sup> Vasta, E (2004) *Informal Employment and Immigrant Networks: A Review Paper*, Centre on Migration, Policy and Society Working Paper No. 2, University of Oxford, 2004.

*anyone was going to work or not. I said to him that there were 20 people in the canteen and he should address them all and not just me. He told me that I was sacked and must leave the site by 11 am but I refused as five of us share a car so four would not be able to get home. I went to the canteen and while I was sitting at a table the director ran down the staircase and came up on me from behind and slammed my head onto the table. If it were not for witnesses he would have gone further physically. All the Polish on site saw the incident and we decided to walk out.*

A UCATT official was called by the workers and he notes ‘I got a call and I was 25 miles away, I said call the police and they came on site. When I got to the site later that day the Polish lads had walked off site and were on strike. I told them that they were in a real strong position as the subbie needed to fulfil their contract with the main contractor. Following heated discussion I was able to negotiate an interim pay increase and the lad who had been assaulted and sacked was reinstated’. This was the first real indication that people were willing to take action, which given many migrant workers’ positions is a very difficult thing to do.

This, though, was not the only incident of its kind as another UCATT official states: ‘There was a lot of resentment from the subcontractor on the site near Darlington and I had to put him in his place. The guy’s attitude was very hostile, he said you won’t be talking to my men (Polish workers), you won’t be handing any leaflets out but we did. I contacted the main contractor’s Industrial Relations Manager and they warned him officially they would not tolerate such hostility’.

Following this, a number of the project team, including the author, the Solidarnosc national organiser and the above official,

visited the site to inform migrant workers of a coming mass meeting. Having agreed a meeting time with the site agent and a member of the subcontractor management team, the subcontractor’s site representative found out and using threatening and abusive language proceeded to cancel this meeting and threaten the UCATT official. Informing all concerned that if we did proceed to issue leaflets to Polish and Indian workers when they finished work he said ‘I will do yer’. A formal complaint was sent from the UCATT Regional Secretary to the main contractor who apologised and again issued the subcontractor with a warning and an instruction to remove the individual involved from site. It is quite clear that if this could happen to the research team, then the workers of this company were under an even greater threat and were in a very dangerous position.

**Language**  
The issue of language barriers goes hand-in-hand with culture and is a central component of trust (discussed in the organising section). In this project language has not been an insurmountable obstacle, the questionnaire and all leaflets for the project have been translated and an interpreter has been used for all the main meetings. English speakers were also identified who were sympathetic to our aims, so that they could pass on the word about the union. But this is a continuing issue and it is vital that Polish workers can communicate with others on-site to defuse potential problems over race and nationality. Also, significantly, despite being in the canteens, none had noticed or more accurately been able to read a summary of the most important parts of the WRA regarding wages, allowances and union contact details. The situation will persist as migrants tend by their very

nature to be transitory and work in groups, live together, eat and socialise together. Given this, the Northern TUC have initiated a series of ESOL projects to try to alleviate this and currently a number of Polish bus drivers are taking English courses. With regard to this project a funding proposal is being put together that will provide English language training for Polish construction workers at the Polish Club in Newcastle.

**Prejudice**  
According to MORI data on current trends race relations and immigration are seen consistently as one of the top three political issues at the present time (Crawley 2005)<sup>50</sup>. A 2003 poll also found that only 39 per cent of people in the North East agree that it is a good thing that Britain is a multi-cultural society compared to 75 per cent in London (MORI 2003) MORI (2003)<sup>51</sup>. Given this and the fact that the regional construction sector is very insular it would not be unsurprising to find antagonism and outright prejudice against those migrant workers identified. This, however, has not been the case; in stark contrast to their views of their employer questionnaire respondents either stated they had found other workers on sites ‘good’ (17 of the 23) or ‘ok’ (6 of the 23). A UCATT official further reported that ‘I’ve come across this attitude of why are these coming over here but that was in cabins where there are no migrant workers. When I’ve gone to sites where there are migrants people are saying to me “are you going to help these people, stop them being ripped off. There’s clearly a different attitude’. Another official reiterated this noting that ‘the only prejudice I have seen is when the lads have not worked with them. When they go on site and the lads see the conditions they are working under they are supportive’. There is, though, anecdotal evidence from

<sup>50</sup> Crawley, H. (2005) Evidence on Attitudes to Asylum and Immigration: What We Know, Don’t Know and Need to Know, Centre on Migration, Policy and Society, Working Paper No. 23, University of Oxford, 2005.  
<sup>51</sup> British Views on Immigration, London: MORI, www.mori.com/polls/2003/migration.shtml: 2



*this out and he eventually got a job on proper pay’* (canteen manager).

In all she had helped sixteen migrant workers get National Insurance numbers despite the lack of employer letters and wage slips. However, she had to cease giving such support after being warned-off by her bosses.

Health and safety has not been identified as a central issue in the project either by migrant workers or UCATT officials. As the UCATT Regional Secretary noted *‘I have raised the issue of health and safety and migrant workers who cannot speak English. I was shown a health and safety manual that had been translated into Polish (safe systems of work) on one site’*. The Regional Secretary and other UCATT officials are aware that this could become, or maybe already is, an issue that has yet to be uncovered. For example, note the case discussed earlier of workers climbing into their worksite to sleep. Also during the UCATT representatives meeting it was stated by a UCATT Safety Rep, and confirmed by a Polish worker present, that on one site migrant workers had been making their own scaffolding using pallets! When this was investigated it was identified that this had occurred on a very small site because subcontractors had skimped on cost by not providing scaffolding. Workers had to continue working to earn their wages and because employers were unwilling to meet their obligations, UCATT are keeping a watching brief on these types of incidents.

The WRA, amongst other things, sets rates of pay (discussed later) and allowances for the sector. The project has identified that large numbers of Polish migrant workers are receiving no allowances, for example travelling allowances, holidays,

and industry sick pay. All respondents to the questionnaire should have been receiving a travel allowance as they travelled further than the single trip 15km set out in the WRA. All indicated that they paid for their own petrol with one noting that this cost him £100 per month, normally workers in the same situation as these can be expected to earn an extra minimum of £20 per week from this particular allowance.

To sum up the issues identified here it is worth quoting at length the views of the UCATT Regional Secretary upon the conditions of employment being experienced by a number of those encountered during the project: *‘If the agencies and employers undercut earnings by using migrant workers they are undercutting all that we have achieved in the last few years. If we say nothing else with construction we have made some tremendous improvements in wages and conditions. Ten years ago the sort of things happening to these Polish lads was rife, the majority of subbie’s in construction were acting like this. We brought the concept of dignity into the industry such that employers did follow the laws, albeit some found it difficult to accept they had to, and treat people with the respect they deserved. My biggest fear here is that these subbies employing these lads are signposting that the bad old days are back and others will follow, as they’re well aware of how these lads are being treated’*.

Employer Hostility

The comment above also touches upon employer hostility encountered whilst undertaking the organising aspects of the project. Two of the employers encountered (one employs those who filled in the questionnaire), were openly hostile to the project team and more importantly their own workers. The questionnaire asked

respondents how their employer had treated them since they had begun work. There was almost universal condemnation of their employer with only three of the twenty-three saying that the employer was ‘ok’. Of the remainder, one stated that the employer treated them ‘very bad’, twelve said ‘bad’, and seven stated that they were treated ‘disrespectfully’ with three of these also adding that the employer was a ‘swindler’! What this actually meant in reality was sharply bought to the attention of both the project team and Polish workers following one of the first site meetings near Newcastle. At that first meeting the project team initially fended off the Polish migrant workers’ anger and frustration and through an interpreter (a young member of the Polish team) explained the conditions laid down by the WRA. Following this visit three Polish workers made it known that they were unhappy with their wages and conditions. They were instantly dismissed and forced to leave the site. The situation, though, was not to end there, as they lived in employer owned accommodation and were told to vacate their homes immediately, they not unsurprisingly refused. That evening *‘big guys with baseball bats came and threw them out of their homes’* (migrant worker colleague at the same site), this was the first indication that certain employers were willing to use violence to get their way and was a clear marker to other workers not to complain. However, some of the Polish workers at the site were undeterred and shortly after complained again following their weekly wages being issued. A Polish worker at the centre of this dispute takes up the story:

*‘We complained about our pay and said we would not work for this anymore.*

*A director of the company asked me to go into the site office and then asked whether*

The North East Construction Sector

**Forecasts suggest** that approximately 104,800 people are working at present in the North East construction sector (ConstructionSkills 2005: 7)<sup>41</sup> (Table 3). Figures indicate that, by 2010, employment will rise to 111,800, which will present a number of consequential issues for the sector.

Table 3 : North East Construction Employment Forecasts		
Occupation	Employment	
	2006	2010
General Operatives ( building labourer)	12,300	12,900
Wood Trades (carpenter/joiner)	9,900	10,900
Electricians	9,900	10,700
Bricklayers	6,000	6,700
Steel Erectors / Structural	900	1,000
Other	65,800	69,600
Total Employment	104,800	111,800

An estimated 11 per cent more workers are likely to leave the industry in 2010 compared to 2006, with 5,900 people expected to enter the sector in 2010 compared with an estimated figure of 7,200 in 2006 (Construction Skills 2005: 2). There is a growing problem with regard to recruitment and employee exit. Other pressures are placed on companies to fill positions with those from outside the region. The report identifies a number of key reasons for both outflow and inflow in the sector, with international and domestic migration highlighted as major factors. While it is forecast that the most significant inflow will come from other industries,

foreign migration in the North East is expected to be proportionally less than in other regions (ConstructionSkills 2005: 3)<sup>42</sup>. The current predicted inflow for both 2006 and 2010 of less than 100 migrant workers is somewhat less than the WRS figure of 795 for the period 2004-2005.

Further research has investigated workforce mobility in the UK construction sector, with a separate report on the North East (IFF Research 2005)<sup>43</sup>. Following an extensive number of interviews with North East construction workers, the study identified that as many as 95 per cent of those working in the North East had their permanent residence in the region. This compares with 57 per cent of those interviewed in London – interestingly 4 per cent of the London workforce came from the North East. Just as importantly 91 per cent of North East workers are originally from the region, which compares to 40 per cent in London and 55 per cent in the South East. Finally, 95 per cent of

North East workers interviewed had lived in the UK all their lives compared to 89 per cent nationally (IFF Research 2005: 29). This suggests that the North East is an insular sector in contrast to the industry as a whole at UK and European levels. Another important finding was that nearly three quarters (74 per cent) of workers in the North East are employed directly by a company. This infers a low incidence of self-employment in the region compared to the UK (IFF Research 2005: 6). Finally, 10 per cent of North East construction workers were employed by agencies, which rose to 15 per cent for new entrants (less than a year) to the sector and 20 per cent overall for labourers and general operatives (IFF Research 2005: 11).

**Migrant Worker Experiences in the North East**  
One of the central aims of the project was to map where migrant workers were based in the region and then to identify the most pressing issues that people faced. The other priority, that of organising and recruiting these workers, is discussed in the next section. In relation to mapping it was identified at an early stage that sources such as the Labour Force Survey, IFF Research and PEMINT projects would be unable to provide company or site details for migrant workers. The main sources used regionally have been; local knowledge provided by UCATT officials and representatives, site agents and Polish

<sup>40</sup> Duvell, F. (2004) *Social Capital, Network and Markets. An Excerpt.*  
<sup>41</sup> ConstructionSkills (2005) *The CITB-ConstructionSkills Employment and Training Forecasting Model: Draft Forecasts for the North East*, CITB-ConstructionSkills, October 2005.  
<sup>42</sup> ConstructionSkills (2005) *The CITB-ConstructionSkills Employment and Training Forecasting Model: Draft Forecasts for the North East*, CITB-ConstructionSkills, October 2005.  
<sup>43</sup> IFF Research (2005) *Workforce Mobility and Skills in the UK Construction Sector (North East Report)*, research report for ConstructionSkills, Department of Trade and Industry and ECITB, IFF Research Ltd, February 2005.





migrants. Polish workers have been identified at one time or another on a number of sites in all parts of the region, although to give specific numbers of workers would be misleading, as the regional sector is known for a relatively high level of internal mobility (IFF Research 2005)<sup>44</sup>. The sector is also by its nature a changing environment as one skill need is met on specific sites and people move on and projects are completed. However, this did not hinder the project. As noted, specific figures are given in the latest Home Office (2006)<sup>45</sup> accession report, which states that construction accounts nationally for approximately 4 per cent (12,365 – of which 62 per cent are Poles) of registered workers and 795 regionally. *Table 4* gives some an indication of some of the construction related occupations being undertaken nationally by A8 migrant workers, with building labour the eleventh most common of all A8 occupations and by far the most common in construction (Home Office 2006: 34).

Seeking to uncover the current conditions experienced by migrant workers, the study used a Polish language questionnaire, administered to approximately 50 per cent of the main company identified as employing these workers<sup>46</sup>. In addition to the questionnaire, other methods were used to confirm and strengthen these findings<sup>47</sup>. This process led to the identification of seven main areas of concern: accommodation; bank accounts; conditions of employment; employer hostility; language; prejudice; and wages.

Table 4 : A8 Construction Related Occupations		
Occupation	2004 MAY - JUN	2004 -05 JUL : 04 - DEC : 05
Building Labourer	Unavailable	7,305
Carpenter / Joiner	Unavailable	1,515
Bricklayer ? Mason	Unavailable	690
Skilled Machine Operator	Unavailable	480
Steel Constructor	Unavailable	335
Electrician	Unavailable	250

Accommodation Issues

The questionnaire identified that respondents were living in two main locations in Middlesbrough and Sunderland, with one migrant worker describing his home as ‘ugly’, and a Polish representative stating that ‘... *one squad is in one house, no light, no gas, and the water is outside*’, some migrant workers were also sleeping on the floor (UCATT official). There was some difference in the amount of rent being paid for accommodation, with one worker indicating they paid rent of £140 per month and two at £100. Importantly, fourteen of the 23 (61 per cent) stated that their accommodation was owned by their employer, with one stating that they only had one fridge/freezer, one cooker, one washing machine, and one bath between 12 migrant workers. The importance of employer owned accommodation should not be under estimated (reported under the employer hostility section). According to a UCATT official, *‘some of those I know are living six to a room with one of the employers (the employer above), a Polish women, having purchased houses in the area and subletting*

*them to these lads. On the wage slips I was shown, £30 had been deducted for lodging and £30 for travelling’*. There are not only quality of life issues here but also significant employment ones with regard to payments laid out in the industry’s Working Rule Agreement (WRA)<sup>48</sup>. Of the nine that found their own accommodation, many found that *‘this was very difficult as I have no English’*.

Finally, there is further evidence that accommodation conditions for other migrant workers may in fact be worse than at first thought. In the subcontractor interview, the interviewee gave details of a more sinister situation before cutting short the interview: *‘There’s a building opposite Newcastle Station under refurbishment and there are Poles living and working in there. They get into the place via the scaffolding. We are a mile away from that end of the market, we bring in people with good skills but I know a lot of people who just hire anybody’*.

In sum, there is growing evidence that migrant workers are not only paying part of their low wages received straight back to employers, who are subletting properties, but that they are living in very poor, dangerous, and unacceptable conditions.

Bank Account Issues

The vast majority of migrant workers engaged in this project did not have, or were unable to open, bank accounts. The reasons for this were related to the fact that migrant workers in employer accommodation did not have rent books as proof of address. Just as crucially, poor employment conditions (discussed in the next section) also meant that many were unable to prove that they were employed. They lacked wage slips, letters of proof of employment from companies, and other employment information dependent on the employer. This created three major issues: The first and second were related to methods of payment to workers. Some migrant workers were paid by cheque that then had to be cashed, with the only option being Cash Shops which charged a fee *‘the issue they were talking about (migrant workers encountered in Middlesbrough) is that they do not have bank accounts so every time they go to a cheque shop they have to pay 10 per cent’* (Solidarnosc national organiser). To overcome this those with accounts were paid a combined wage that was then sub-divided. The difficulty with this, as detailed by the UCATT Regional Secretary, was that this allows an employer to claim that the worker paid by cheque was acting as a subcontractor

and was therefore responsible for the employment conditions, including for example holiday payments, of other workers. Finally, this has created a significant problem for UCATT in the processing of membership forms, as direct debits are unable to be claimed. The union are currently trying to assist migrant workers to open accounts and are also negotiating a ‘check-off’ agreement with the largest migrant labour employer identified.

Conditions of Employment

Conditions of employment related to a series of issues created by a lack of legal employment rights and an undermining of the industry standard WRA rates. With regard to employment rights the questionnaire found that 74 per cent of respondents did not have a contract of employment (17 of the 23). Whilst a number that did, had written into contracts good rates of pay and conditions but when people arrived on site and began work they got poor wages and conditions. Some contracts also detailed an hourly rate but workers were being paid a piece rate. Solicitors working with the project have stated that the contracts they saw at the mass meeting were probably illegal as they were suggesting that migrant workers were directly employed but overall the contract defined a self-employed employment relationship. As the Solidarnosc national organiser stated: *‘Many do not have contracts, the problem is that they did sign something when they started work but were not given this. They have tried for four months to get a contract and were*

*shocked by the UCATT agreement (WRA) and really upset that they were being paid so little’* (Solidarnosc national organiser).

The questionnaire also found that 30 per cent (7 out of 23) did not receive wage slips and in the site meetings throughout the project it was not uncommon for people to identify this as a major issue. *‘All the time I try to get my payslip but they say no. This is not right!’* (Migrant worker – at a site near Newcastle). As with the contracts when people did get wage slips there were still major problems: *‘the employer does not pay us our money, when we get pay slips they are not right dates and wages are wrong’* (Migrant worker – at a site near Darlington), *‘we get payslips but still no money’* (Migrant worker – at a site in Teesside). Overall 83 per cent (18 of the 23) of respondents identified either one or both of these as an issue and of the remaining four, two noted that they could not get national insurance numbers because the employer would not confirm employment. *‘I give money for taxes but they (the employer) won’t write me a letter to get a NI number’* (Migrant worker – at a site near Newcastle). Before the project commenced, some migrant workers at one site were given support by the site canteen manager<sup>49</sup>. The manager spoke of one particular worker she had helped: *‘Peter was so fed up with the situation that he went to the job centre and got an application form that I helped him fill in. But when we got to the box with National Insurance number on he said what is NI? So he had been working without a NI number, so I went down the job centre to help him sort*

<sup>44</sup> IFF Research [2005] Workforce Mobility and Skills in the UK Construction Sector (North East Report), research report for Construction Skills, Department of Trade and Industry and ECITB, IFF Research Ltd, February 2005.  
<sup>45</sup> Home Office [2006] Accession Monitoring Report May 2004 - December 2005, Home Office, Department of Work and Pensions, Office of the Deputy Prime Minister, 28th February 2006.  
<sup>46</sup> The sample number of Polish workers was 23 of whom 20 were bricklayers, with the other three labourers. The questionnaire and other qualitative evidence indicate that this skill differential made no difference to conditions of employment, including wages. An English man and Polish woman jointly owned the company they worked for.  
<sup>47</sup> These included on-site break-time discussions with groups of Polish workers; an initial UCATT representative meeting; a mass meeting of over 60 Polish workers; the first Polish representative meeting; information from UCATT officials and a Solidarnosc national organiser who was based in the region for one week; an interview with the manager of a site canteen; and a brief telephone interview with a subcontractor directly employing Polish workers.  
<sup>48</sup> The agreement sets minimum conditions for the sector. The parties to the agreement are UCATT (lead union), T&G and the GMB and for the employers the Construction Confederation, the National Federation of Roofing Contractors, and the National Association of Shop Fitters.

<sup>49</sup> The person involved here has rightfully earned the respect of the Polish workers and the project team as she has greatly assisted these workers by obtaining a Polish phrase book to allow communication and then helped a number with employment and living issues. *‘I have never stopped I’m absolutely shattered, it must take a minimum of five to six hours a week of my time helping these lads. After a couple of weeks the agent called me in for a quite word and told me to calm it down a bit as I had put my job on the line. The bosses did not like what I was doing, so I now do a lot of this at home’*.